

HEALTH COMMITTEE meeting of April 12, 2000

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Media Room, First Floor of the H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, New York, on April 12, 2000, at 9:30 A.M.

Members Present:

Legislator Ginny Fields - Chairperson
 Legislator Brian Foley - Vice-Chair
 Legislator Andrew Crecca
 Legislator Michael Caracciolo

Members Not Present:

Legislator Joseph Caracappa

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
 Mary Skiber - Aide to Legislator Fields
 Linda Burkhardt - Aide to Presiding Officer Tonna
 Kim Brandeau - Legislative Budget Analyst/Budget Review Office
 Bonnie Godsman - County Executive's Office/IR
 Clare Bradley - Commissioner/SC Department of Health Services
 Robert Maimoni - SC Department of Health Services
 Holly Rhodes - Director/Office of the Aging
 Jack Glassman - Citizens for Fair HMO Costs
 Delores Glassman - Citizens for Fair HMO Costs
 Henry E. Graseck - Resident of Islip Terrace
 Barbara Graseck - Resident of Islip Terrace
 Ralph Lempin - Resident of Central Islip
 Traudi Lempin - Resident of Central Islip
 Norma Harris - Health Care Financing Administration
 Joseph Quinn - Staff Assistant to Gary Ackerman
 Steve Markham - Representative of Congressman Rick Lazio
 Robert Vanson - Islip Chapter of the AARP
 Jan Jamroz - St. Mary's Parish Outreach
 Elaine Economopoulos - Quality Consortium
 All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 10:02 A.M.*)

CHAIRPERSON FIELDS:

Please stand for the Pledge of Allegiance led by Legislator Caracciolo.

Salutation

Good morning. We have a couple of speakers and I would like to ask Jack Glassman to come up to the microphone.

MR. GLASSMAN:

Good morning. Thank you for letting me appear before this committee, Madam Chairman, Ms. Fields, and Members of the

Health Committee. I would like to tell you that I am here in a very strange mood between anger and asking for understanding for the problem.

I am here as a representative for the Citizens of Fair HMO Costs. This group is made up of people who are receiving Social Security or receiving Social Security Disability payments. Virtually all are paying an additional premium of \$50 a month as of January, 2000, besides the \$45.50 deducted for Medicare. From Suffolk County alone, approximately \$112 million a month is paid to HMO's, yet they cry poverty with a loaf of bread under each arm. The recipients Social Security can little afford the basic needs of life such as food, clothing, shelter, and last but by know no means least, medical needs. While there is a discussion about the lack of prescription plan for those who are not covered by any plan, what is the point to it? What's the point, in a manner of speaking, of giving someone a membership to an exclusive club if they can't afford the dues?

So in essence, we're saying -- rather, in total I'm saying that the rising costs of prescription drugs just has to be controlled or it doesn't matter what type of plan you have. And if the government, regardless of what level it's at, is going to subsidize these costs, then it's going to cost the taxpayers more and more money; you can't get things for free.

Now, we have seen over the last five years at least hearings and discussions about controlling costs and yet they continue to ever go upward. Now, you're HMO's, not only do they demand this \$50 a month which I think is totally ridiculous, there has been no proof, there's been no hearings, there's been no accountability saying what their real expenditures are. The only thing they're required, I believe it's either September or July, is to come into the HCFA and say what they're going to do for the year, what they're going to need for costs, that's as far as it goes.

So what I'm going to suggest is that we need to look at other costs that we don't seem to recognize. The copayment; people who are going for out-patient treatment find that they are forced to pay an additional copayment as part of their treatment, in most cases. So not only are they paying 50, not only are they paying copayments for drugs and prescriptions, but they're also paying for out-patient charges in many cases, and it goes on and on and on.

It's unfortunate to say this, but I found out that 45% of seniors caught shoplifting are not doing it for thrills and chills; they're doing it because they can't afford to buy food. And when you find out that these people are splitting medications in such a way as to be detrimental to their health -- and what I mean by splitting it, they're supposed to take two a day, they only take one -- they were finding difficulties in trying to get tests made. One person on my list here has to travel 30 miles round trip from Sag Harbor because the company that she is required to get a blood test by her doctor for is not in the plan that's out there, she has to come all the way into Patchogue in order to get that blood test. It doesn't make sense.

You go to a doctor, he prescribes a medication for you. Now, doctors want to give you the best medical care they possibly can to address whatever condition you may have, and suddenly the HMO turns around and says to them, "Whoa, I can't do that so good. What's wrong? Well, you're going to have to try generic drug A and B, and if that don't work then we'll talk about the other drug, the one that you're prescribing." Let me explain one thing. In some cases, there is no real difference at all medically speaking between the generic drug and the name brand, I have checked this out through two major pharmacies. But in certain cases, in certain treatments, the non generic drug, the name brand has buffers in them that can either help put the medication into the system or limit or eliminate side effects. So when the HMO tells the doctor, "You can't do this. You're going to have to give the generic first," now you're telling the patient -- and your copayments, where they used to be \$5, are now between 10 and 15, if not more.

Now, the doctor is a contractee of the HMO, they make an agreement that you're going to treat this patient, we're going to pay you X number of dollars whether you see the patient or not, plus the copay. Doctors, in orders to make ends meet, have tripled their patient load. If anybody has been to a doctor, I'm sure we all have, and noticed how come everybody's got a nine o'clock appointment or so it appears, and doctors have hospital rounds and there's a very serious problem here. You overload anything and you are going to have a breakdown. Now, what am I saying? I'm saying doctors are only human. So in order for them to make a buck and pay their bills, they've got to inflate their patient load. And I think most HMO's pay about \$8 a head plus copayment. Of course, you heard about the fact that if they keep costs below a certain amount by not prescribing or under prescribing or treatment recommendations, they get a bonus; that's a nice bonus, I hope they save

enough for tombstones that are going to -- that are a result of this.

So I think the Federal Government, while we don't like controls, we don't like to be told what to do, but I think when we're talking about national health care, we're talking about things that effect the lives and the quality of life, then we need to look at controls. We need to say, "Hey, wait a second. How come I can go to Canada and buy drugs or Mexico for 50% less that are produced by the same company and I can't get them here for that matter?" So there's a line between profit and profiteering. And I believe that when we talk about a prescription drug plan and we don't put the controls in to have these prices, when we don't recognize the fact that the senior citizen, which at one time was the gray panther, great respect, great need to get their votes and attention, today has been disregarded as a cast off, and I think that's unfortunate. And more of the -- I addressed I'd say the least two months at least two to 300 people and what's their problem? Mobility, some of them can't drive, some of them are so dependent upon transportation other than their own. Some are trying to make a dollar with small part-time jobs, it's not working.

We need to come up with a better, firmer plan, and I'm going to make certain recommendations here. These are the items I want to list categorically that are causing the problem: Prescription; rising prescription costs and copayments; doctor copayments which are your primary physician, that's the guy who writes your referrals to go to other specialists; specialist copayments, rising, ever growing; surcharge type copayments for treatments such as out-patient treatment where you come in, get something done and then you leave and there's another payment you didn't expect to find and you get a bill for it; HMO's overriding doctor prescriptions and dictating type or length of treatment for the patient, this is not right; this is definitely something that is going to create problems in the courts. And just recently, I've told them and, in fact, one of your major HMO's just settled with the courts, they weren't going to do this anymore, so they say.

So even though you say, "Well, this is a Federal problem. What's the State, what's the County got to do with it?" Well, the \$45.50, if you are within a certain income bracket -- and most, 95% of the people that I have spoken to are -- the State, through the Social Services Department, will upon application pick up that \$45.50 as your Medicare payment. But how long can you do that before we start dipping into whatever medical, whatever tax base is going to be affected by it, and it will be. So that's a good thing to happen and I appreciate that, but it's only one drop in the bucket.

Now recently, my HMO sent me kind of a packet and loud and clear it says, "Hey, come January we're going to review the rates." Well, you can guess what that means, you don't have to be a genius to figure that one out. So we need to get back into the basic element of telling HMO's and prescription companies, we've got to have a control when it comes to human life. And generally the government is not permitted to interfere unless it's a national emergency, war, hurricane, but this is a natural and this is a disaster the way these programs and plans have been allowed to go on and on and on. And I think we need to have what we call mini type HCFA agencies so that if there are complaints, if there is a problem they can be resolved instead of taking weeks and months.

Oh, by the way, if you do have a complaint, a grievance, your HMO's have a system set up that you can file a grievance. I have filed several of them on behalf of others and myself, and I filed them with HCFA and with the HMO involved; and I've got to tell you, we did get some results. But one of the problems we're seeing is that people are getting these prescriptions from doctors who probably know that this isn't what the HMO's are going to allow, they get down to the drug store and where they should pay a copayment let's say of \$15, they are hit for the full cost of the prescription, 50 or \$100. They don't know what to do, they're at the drug store, where are they going to turn to? So they dip into their very meager pocketbooks and pay it. So far I have been successful in getting three of those people back the money that they over paid, but I don't know how many people haven't been -- you know, haven't gotten their money back. So this is not right to the people. We don't know whether there's a justifiable need for more money or whether just profiteering.

Again, let me get back to the point of saying that we need to have controls put in or -- instead of making tombstones out of marble, we better put them in plastic because it's going to be a lot faster. And I think it's not fair to these people, they paid their dues. And if we can put all that money overseas and we can take in aliens and give them all the money in the world for whatever they need, why can't we take care of our own? And with that I'll shut up.

CHAIRPERSON FIELDS:

Thank you. I know when you spoke to me originally, you mentioned something about the unfairness of the HMOs regarding Suffolk County, Nassau County and the other counties. Is that -- have you done more research on that?

MR. GLASSMAN:

Yes, I have. The only company was Empire which was not charging, now they are charging a copayment. And the other recommendation I said to you, and it may appear to be a bit radical, is that we better gear up our Social Service Department to start looking that if the HMOs don't want to continue the cost, let's take that \$45.50 and put it back into the State's pocket and distribute that down and start being prepared to handle this as if it were a national emergency and provide adequate medical treatment and prescriptions for those that live in the area. I think that it would be tough road to haul, but I believe there's too much money in this for the HMOs not to realize their position and take another point of view. Because it's one thing to make an honest buck, but to profiteer for \$2 at the expense of human life is not fair.

CHAIRPERSON FIELDS:

Thank you. Does anyone have any questions?

LEG. CARACCILOLO:

Good morning, Jack, nice to see you again.

MR. GLASSMAN:

Thank you, Mike.

LEG. CARACCILOLO:

It appears that you have been very active, actively involved in this issue and for that we thank you. And perhaps, since for us here at the County level, this is an issue we ordinarily do not deal with, you can educate us further as to the profiteering aspect of what you compared, US pharmaceutical cost versus Canadian, for example. Could you elaborate on that and what evidence you have that that's happening here in the New York Metropolitan area?

MR. GLASSMAN:

Well, it's Canada and Mexico, and also on the Internet you can get drugs at certainly better than half the cost. The quality and legalities of it, I really can't tell you, I don't know.

LEG. CARACCILOLO:

But, I mean, what is the basis for your statement that in -- you made a statement that, in fact, the costs here are inflated, that pharmaceutical companies are profiteering.

MR. GLASSMAN:

Oh, all right. Five years ago there was a hearing with several doctors, I believe it was either 20/20 or -- and there was just one recently, by the way, which was the disclosure on being able to go across the border and get medications.

There is a cry on the part of the drug companies for what's called research and development. Now, that means that for X number of years they will hold a pattern on that drug and then -- but then the generic drug -- by the way, most of your so-called name brand drug companies own the generic drug companies, so it serves to their advantage to keep that as high as they can. But I think that the profiteering aspect comes in, nobody is quite sure, there's never been an accountability what are the real costs. If you make a budget up for the County you've got to know real costs and real expenditures in order to determine what your tax base is going to be in order to pay for it; there's never been one here.

LEG. CARACCILOLO:

Okay. I was just trying to ascertain if you had some real hard evidence based on balance sheets or records or testimony.

MR. GLASSMAN:

Nobody does.

LEG. CARACCILOLO:

Maybe before Congress that, in fact, US pharmaceutical companies are profiteering at the expense of the American.

MR. GLASSMAN:

Well, if you take a look at the rate of inflation which has not been that bad, and then you take a look at the rising cost of drugs, it's obvious that they're not in line with each other, they're almost 85%, 90% apart from each other. So obviously they are profiteering in a legal manner, there is nothing to stop them. So it's whatever the -- it's not even a question of whatever the market will bear, they are in the cat bird seat, they're the ones that are making the price and you either pay or die, take your pick.

LEG. CARACCILO:

I just want to clarify something else, and you didn't say this so don't misinterpret what I'm going to say. You would not for a moment want to trade off U.S. Health care delivery systems for Canadian or Mexican.

MR. GLASSMAN:

Knowing what I know, they're selling the same drugs there --

LEG. CARACCILO:

No, I'm talking about the entire health care delivery system. I don't think so.

MR. GLASSMAN:

No, no.

LEG. CARACCILO:

No, okay. Thanks.

MR. GLASSMAN:

There is nothing like home cooking.

CHAIRPERSON FIELDS:

Anything else, Gentlemen, Ladies? Thank you for your time.

CHAIRPERSON FIELDS:

Legislator Crecca?

LEG. CRECCA:

No, thank you.

CHAIRPERSON FIELDS:

Thank you, Mr. Glassman. Barbara Graseck?

LEG. CARACCILO:

Madam Chair, at today's hearing do we have any representatives of HMOs or Federal office holders, elected officials to speak to this issue to maybe also enlighten us as to the other aspects of this issue and problem?

CHAIRPERSON FIELDS:

We do have a representative from Senator -- from Congressmen Lazio's Office.

LEG. CARACCILO:

That was a Freudian slip?

CHAIRPERSON FIELDS:

Thank you for bringing that up. And I believe we have someone here from HCFA, maybe we might ask if either one of them would like to come up after the speakers to ask just a couple of questions.

LEG. CARACCILO:

Or to make a statement.

CHAIRPERSON FIELDS:

Or to make a statement.

LEG. CARACCILO:

Yeah, thanks.

MS. GRISECK:

My name is Barbara Griseck. Actually, I kind of expected that after the meeting was kind of drawing to an end, if there was any last minute questions. But nevertheless, I experienced -- we have been living in Islip for about over 45 years and we're home owners. We were with Oxford Health and of course they almost went under and they were no longer taking care of senior citizens. So we did sign up with Cigna in October of last year and in November we were given notice that as of January 1st they were going to be raising an additional \$50, plus what comes out of Medicare I believe, Social Security. So what I did was I called up a number to inquire and then I spoke with Upstate, New York, and I seemed to be shuffled from one area to another.

(*Legislator Foley entered the meeting at 10:23 A.M.*)

I was fortunate enough, I saw Ms. Ginny Fields, I went to Ginny Field's Office. But nevertheless, in my calls I was told, "Well, don't complain, you really can't complain all that much because they're all charging that in Suffolk County, in fact some of them are paying more." But in Nassau it's less and in New York City it's less, and that was my main concern, why? Is it because there are less senior citizens in Suffolk County? I don't think so. That's one of the questions I had; why is it that we pay less than other counties?

CHAIRPERSON FIELDS:

Pay more?

MS. GRISECK:

Pay more I mean, and if someone has the answer I would like to hear it. This gentleman here was very good, I know I've cut down on medicine because, oh, I really don't need it, I'll have that many more for later and things like that. And really, I'm living comfortably. We do feel a hundred dollars more a month, we feel it, but I'm sure we're better off than a lot of other people. But it doesn't seem fair, and if it doesn't seem fair to me, I'm sure it doesn't seem fair to those who have to bite the bullet even more than I do. So that's about all I have to say. Thanks a lot.

CHAIRPERSON FIELDS:

Thank you. I spent the past 37 years in medicine working in private physicians offices. So the statements that we're hearing are not new to me. I can reflect on many, many senior citizens who had come to our office and were not feeling well after the past month's visit when they had been given prescriptions, and when they were interviewed and asked how their medicine was going, how they were reacting to it, we found many, many of them saying, "Well, I actually didn't fill the prescription, I simply couldn't afford it." So I'm well aware of that situation and there are many people who even don't tell the truth when they come to the doctor and say, "Yes, I filled it and I've been taking it but I'm still not feeling better," because they're ashamed to admit that they can't afford it and couldn't pay for their medical costs or their prescription costs. So, you know, I do understand what you are telling us. And I do know that in Suffolk

County we have a very high rate of people turning 65 and over and becoming senior citizens and the problems I think are going to get even worse.

I can tell you on a personal level that I think HMO have ruined medicine and I don't see the benefit of them except to the

insurance companies, and I don't know what we can do on a County level. But we did want to bring this out today and have people discuss it so that other people could realize that there really is a severe problem which I think will probably get nothing but worse. The next speaker we have is Robert Vanson from the Islip Chamber, AARP.

LEG. CRECCA:

Before you start speaking, Madam Chair. I just want to add, too, that this problem, while it's certainly exacerbated for our seniors, it's not exclusive to seniors. As someone who has run a small business for years, I can tell you in talking about Oxford who I've recently dropped for my employees, but we went up in a matter from \$462 a month for health insurance benefits 700 and I believe \$60 in a matter of two years. So this is a problem that small businesses are feeling and trying -- a lot of them are dropping coverage, from talking to people, for their employees for the simple reason that it becomes so cost prohibitive to do it, or they're passing on those expenses to their employees, so we see more people dropping coverage.

I'm shocked every day of how many people I hear who are walking around without medical coverage at all and who don't have it for their families. So this problem -- and I agree with you, it's worse for seniors, my parents live on a Social Security income and they have a difficult time even affording the benefits that you're talking about. But this is a problem that really is growing worse and worse by the day for all segments of our society. Certainly the Children's Health Plus has been a benefit to getting some children coverage, but I really think we're going to need a major solution, I think it's going to have to come from a combination of both Federal and State Governments. But certainly I think this Legislature and this Health Committee will do everything in its power to try to push that along.

CHAIRPERSON FIELDS:

I think the problem is even worse, though, for seniors because they have no way of earning extra money --

LEG. CRECCA:

Absolutely.

CHAIRPERSON FIELDS:

-- or even just paying for the money. I mean, we've read seniors eating cat food and we've read that they're not taking their medicines, those are all true stories, they have been again and again and again. And when you have a population that can't reach out and earn more money, that's a significant problem. Mr. Vanson.

MR. VANSON:

Yes, good morning. The cost of drugs seem to be much lower in other countries. As drug companies never sell at a loss, they must be making a substantial profit in these other countries, and this is borne out by their annual reports when they report their foreign sales portions of their business, that in fact they are making good money. Therefore, they must be selling to the wholesalers in these other countries at a lower cost than they are selling to the wholesalers within the U.S.

There is a need to start thinking outside the box when it comes to ways of reducing the elderly's prescription costs without imposing price controls, which I don't believe anybody is for at this stage. This means negotiated pricing and contracts with the drug companies. I have spent 35 years working in the aerospace industry as a communications engineer before becoming a registered investment advisor and starting a whole new career. In all the contracts with the governments, and various levels of government, the government always imposed a most favored client clause. This clause stated simply that no firm could charge the government a price for the item that was higher than the lowest price they charged any other domestic or foreign client for the same product. If the Medicare and Medicaid authorities, and even Suffolk County for its own purposes, were to negotiate formularies with the drug companies while imposing a most favored client clause, a much lower price for drugs could be contracted. This contracted price list could be disseminated to all druggists and if the individual's Medicare or Medicaid ID card or Suffolk ID card could be used as proof of eligibility to this negotiated formulary, the individual would pay less.

I would like to suggest that the Suffolk Legislature take a national leadership position by recommending to the other levels of government and the County itself, take steps to institute such a formulary system to negotiate the prescription prices for the elderly. This action could have the additional benefit of rolling back the drug cost increase portion of HMO monthly

costs and prescription copays. Thank you.

CHAIRPERSON FIELDS:

Would you be willing to work with us if we were to create some type of a committee to --

MR. VANSON:

Absolutely.

CHAIRPERSON FIELDS:

Okay, thank you. Anybody have any questions? Okay, thank you.

Mr. Markham, would you like to step up to the batter's box?

MR. MARKHAM:

Good morning. I am delighted to be here this morning, I appreciate the invitation. The name is Steve Markham, I'm here as a representative of Congressmen Lazio.

Listening to the speakers this morning, I actually thought I was back in my office answering a constituent's telephone call. One of the nice aspects of working for the Congressman is an opportunity to speak to the residents and the constituents of the 2nd Congressional District. And probably dating back to November, this past November of '99 and certainly much before that, we have received hundreds of phone calls dealing with health insurance costs and, of course, the increase in premiums from the HMOs; those phone calls continue to this day.

Unfortunately, and I have a very, very good rapport with my friends at HCFA and have attended numerous meetings with them. When these notifications went out in late '99, I don't think many of the seniors, unfortunately for whatever reason, took the time to read some of the material and they were not -- I don't think they were well notified that they were going to see this increase. So phone calls continued to come in really complaining about these increase in HMO premiums. But the nice part of taking these phone calls and listening to the constituents is that I can then take their concerns and forward them on to the Congressman.

And legislation, as we all know, comes out of Washington D.C., and there have been a number of pieces of legislation within the last year, if I may take this opportunity just to get a plug in for my boss, legislation such as the Incentives-to-Work Act where people who are disabled are going to be able to work and hopefully not worry about health insurance coverage. You're also seeing legislation that we expect to be signed very shortly by the President where seniors between the ages of 65 and 69 can continue to work and see without fear of losing their social security benefits. And I also know that Rick is now taking a lead on prescription drug, the prescription drug issue in Washington, D.C.

And when a senior calls me in the office and they say, "Well, what are you going to do with this phone call now, where is this going to go?" Well, the procedure is that we take the necessary information and I thank them for calling and I encourage them to write to make their concerns and their fears known to the Congressman, and that's the only way legislation comes about. Reaching out to the County level, the State level, it all helps, it's all how legislation comes about.

The gentleman before, Mr. Glassman, talked about the appeal process with the various HMOs and with HCFA. There is an appeal process in place to deal with many of the problems that they run into. We addressed here this morning the formula or the different counties, you can go into Nassau and it will be a few dollars more for an HMO premium or you can go into New York City and there may not have been any increase in premium at all; I'm going to refer that question to the capable young lady in the back here who is representing HCFA here today.

My main reason for being here today was to just to come out and to listen to some of the seniors who are here and to some of the concerns. So I thank you for that opportunity.

CHAIRPERSON FIELDS:

Thank you very much. Can we get HCFA up here just to answer just a couple of questions? I know that you don't really want to do this, but maybe just some very simple questions. It would be very much appreciated.

MS. HARRIS:

Good morning. My name is Norma Harris, I am a Health Insurance Specialist for HCFA. We were specifically invited here today to listen to your concerns, not answer questions regarding rates and I'll tell you exactly why. The Beneficiary Outreach Division does not compute rates. We do not compute rates, we do not have the formulas for computing rates; therefore, I'm not able to help you with that. What I can help with is when we do an outreach, which is go out and speak to our beneficiaries and let them know what is available to them.

The information my friend Mr. Glassman received, he received it from me. The letter that went out to the Congressman was written by me. It is interesting, however, that I am here today since I was just asked yesterday when I arrived in the office. But when he and I spoke about this letter that I had written, I asked him to take a look at Dutchess County; it went from zero to 105. So \$50 in Suffolk County would not -- it is hard, it is difficult, but the entire country has suffered from this. And I think what our Legislatures might be -- Legislators might be able to do is to address the issue with Washington. We are here to help the beneficiary, we do not compute the rates.

LEG. CARACCILOLO:

I have a question.

CHAIRPERSON FIELDS:

Thank you. Just -- can you just ascertain, though, from what I've been hearing in my office, they do say that Suffolk is paying -- I mean, you can just -- you don't have to tell me about the formulas or anything, but is it not true, though, that Suffolk County residents are paying more than Nassau and New York City?

MS. HARRIS:

More than Nassau and New York City, yes, comparably. But I -- can you tell me -- I live in New York City. Can you tell me if the tax base, say housing taxes and things like that, are the same in all of these counties?

LEG. CARACCILOLO:

Much higher here.

CHAIRPERSON FIELDS:

They're very high here, very high here.

MS. HARRIS:

Okay.

CHAIRPERSON FIELDS:

I think that's why we're having this whole debate today or this whole exposure today, is because Suffolk County is becoming very, very difficult to live in.

MS. HARRIS:

Expensive.

CHAIRPERSON FIELDS:

And especially for the seniors.

MS. HARRIS:

Right, I understand that.

CHAIRPERSON FIELDS:

Okay. Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Madam Chair. Is it Ms. Or Mrs. Harris?

MS. HARRIS:

Mrs. Harris.

LEG. CARACCILO:

First I, too, would like to thank you for being present today. What we are attempting to do on behalf of constituents we collectively represent is get a sense and a handle of this problem and see in what manner we as County representatives can assist them either independently of the Federal and State governments or in conjunction with Federal and State Lawmakers.

I am not at all familiar with different legislative proposals that may be pending in the U.S. House of Representatives or in the U.S. Senate. Are you -- is there someone at, what is it called, the Health --

MS. HARRIS:

Health Care Financing Administration, HCFA for short.

LEG. CARACCILO:

Okay, that we could invite to perhaps further inform and have a dialogue with us to this issue and how we may be able to assist our residents maybe, again, independently of Federal or State legislation, if at all we have the resources to do that?

MS. HARRIS:

I would not be able to tell you to whom to go directly. Bear in mind we're a regional office, therefore we receive our orders from the Central Office which is located in Baltimore, Maryland. I suspect that through your Congressman you can get to someone directly that they can tell you with whom you can speak and bring into your County to give you more specific information, whether it is done face to face, it is done on a conference call or Pictel, however, but these are the people that you would really need to specifically speak with because they are the ones that have the formulas.

LEG. CARACCILO:

I understand that the agency, being an agency within the Federal Government, not much unlike County departments that are part of County government, are answerable to elected officials; and even though we may not be federally elected officials, we are representatives of the people.

MS. HARRIS:

Absolutely.

LEG. CARACCILO:

And we will not be denied the opportunity to speak with agency representatives. And I would like, Madam Chair, for you to extend an invitation to this agency and have the appropriate representatives come before this committee so that we can have an open, full discussion, and perhaps better understanding, of the issues facing our constituents. Because as we look at this handout Mr. Glassman provided that was prepared in response to correspondence which was prepared in response to correspondence and addressed to Senator Schumer, it is very telling. And as you pointed out, you cited Dutchess County, there are other counties in this State, particularly within the City of New York, where there have been no increases.

MS. HARRIS:

Absolutely.

LEG. CARACCILO:

What is the basis, should there not be a level playing field for seniors? I mean, how are these formulas determined?

MS. HARRIS:

No disrespect intended, I initiated this conversation by saying to you I do not have the formula.

LEG. CARACCILO:

Right. No, I understand that, I understand.

MS. HARRIS:

However, you can be directed elsewhere to get that information.

LEG. CARACCILO:

Okay. Who would be the appropriate individuals to --

MS. HARRIS:

Your Chair is aware of the names of the people at HCFA that she can write to request this.

LEG. CARACCILO:

Okay.

MS. HARRIS:

We would be certainly happy to give her that information. I would prefer, however, that you get it from an appropriate source.

LEG. CARACCILO:

Oh, I would agree, I would agree. And since I, as one of 18 members representatives in County government, represent a substantial senior population on the east end, I can share with you that in their case, they are really discriminated against in terms of the premiums they're paying.

MS. HARRIS:

We're aware of that and I'll tell you why. Part of my job as an outreach person is to take calls from beneficiaries. And most often when they call in with these kinds of complaints, we tell them exactly, "Write your Congressman, make the complaint specific", okay, "write your Congressman, let them handle it because I can't."

LEG. CARACCILO:

Right, you're just an agency that administers the programs.

MS. HARRIS:

We administer the programs.

LEG. CARACCILO:

And I understand that.

MS. HARRIS:

And, you know, insurance; insurance everywhere, as Mr. Crecca mentioned, has gone up and we're all experiencing it. My mom is here with me, she is 86 and she likes to tell me, "I remember when it was \$40." So we're all experiencing it.

LEG. CARACCILO:

Well, we're happy to welcome and acknowledge your mother's presence, that was very nice of you to join us this morning.

MS. HARRIS:

Thank you. She didn't want to miss this.

LEG. CARACCILO:

Great.

CHAIRPERSON FIELDS:

Are you from Long Island?

MS. HARRIS:

No, we're all in Brooklyn.

CHAIRPERSON FIELDS:

Okay.

LEG. CRECCA:

That's part of Long Island.

CHAIRPERSON FIELDS:

We've expanded it. We appreciate your coming. Thank you very much for answering.

MS. HARRIS:

You're very welcome.

CHAIRPERSON FIELDS:

And we will contact --

MS. HARRIS:

Please be in touch with us, you have our numbers.

CHAIRPERSON FIELDS:

Right. We will contact some people also to have them come forward and help us. Thanks very much.

MS. HARRIS:

Thank you.

LEG. CRECCA:

Thank you, Ms. Harris.

CHAIRPERSON FIELDS:

Anyone else have any questions? All right, we're going to move on with the agenda.

Tabled Resolutions

IR 1148-00 - Initiating affordable health insurance program for Long Island Small Businesses (Levy).

MR. GLASSMAN:

Madam Chairman, may I just add one thing, please?

CHAIRPERSON FIELDS:

Okay.

MR. GLASSMAN:

When I spoke about grievances and, as you know, now that's part of what we can do to protest and get some kind of adjudication, I would be willing to volunteer to help anybody that's sent to me to write the grievances for them. I will not charge anything, all I would ask is they call me and we'll work it out, if I have to we'll go to their house and we'll help them write the grievance so they can get satisfaction, that's no charge.

CHAIRPERSON FIELDS:

Okay, thank you.

LEG. CARACCIOLO:

Maybe you can leave us your phone number, Jack, off the record.

CHAIRPERSON FIELDS:

I have it. Thanks very much. Okay, **1148-00 - Initiating affordable health insurance program for Long Island Small Businesses (Levy).**

LEG. CARACCIOLO:

Motion to table.

LEG. CRECCA:

Second.

LEG. FOLEY:

Can we have the Commissioner step forward?

CHAIRPERSON FIELDS:

Dr. Bradley, can we have you step forward, Legislator Foley would like to --

LEG. FOLEY:

Commissioner, you have reviewed this resolution, 1148; could you give us some thoughts about the proposed resolution?

COMMISSIONER BRADLEY:

Well, I think I had questions as well as comments.

LEG. FOLEY:

Okay. Are you prepared today to just make those comments, or would you want to wait for the following committee meeting?

COMMISSIONER BRADLEY:

I think I would rather wait for the following committee meeting.

LEG. FOLEY:

Okay. With that in mind, I will second the tabling for purposes of discussing this in more detail at the next committee meeting.

COMMISSIONER BRADLEY:

Because there are issues in terms of incorporating or networking our Medicaid Managed Care Plan with others. Now, we don't have an HMO, we have a PHSP which is specific to our Medicaid population. So I don't know if what he's proposing is feasible.

LEG. FOLEY:

Okay. You will be prepared at the next meeting?

COMMISSIONER BRADLEY:

I will be prepared at the next meeting.

LEG. FOLEY:

Very good. Thank you, Commissioner. The motion is on the floor to table.

CHAIRPERSON FIELDS:

Legislator Caracciolo has a question.

LEG. CARACCILO:

Dr. Bradley?

COMMISSIONER BRADLEY:

Yes?

LEG. CARACCILO:

Not on this topic, but in reference to something you and I will be discussing tomorrow, Plum Island.

COMMISSIONER BRADLEY:

Yes.

LEG. CARACCILO:

The question I have, the other day the Chair of a committee that's in existence, and the Health Department had a representative at the meeting, the Plum Island Risk Assessment Committee that's chaired by Supervisor Jean Cochrane, there was a sense on my part, once we concluded that hearing on Tuesday, that perhaps what we ought to be doing as elected officials, since we don't have expertise in risk assessment, is to consider perhaps on a town, County, State basis, to actually undertake such risk assessment. Would you like to -- I mean, at first blush, do you have an opinion on that?

COMMISSIONER BRADLEY:

Well, when I spoke to you we talked about the risk assessment for Plum Island and there are those environmental functions that we have oversight and we work on a regular basis with Plum Island. Then there are those functions that the lab does within the lab in terms of animal testing which I don't -- although I took a visit and I saw what they did, as a visitor I don't have specific knowledge in terms of what they do on a daily basis.

LEG. CARACCILO:

Right.

COMMISSIONER BRADLEY:

I don't have oversight over them, I have no authority over them. So I would look to either their mother agencies, USDA, CDC, the State Health Department, to assist with doing an assessment of what they are now, but more specifically what they would like to become. So I would need outside resources to be able to do that risk assessment.

LEG. CARACCILO:

Okay. Is that something you would feel comfortable with in terms of the public perception that there is an arm's length between the fox and the chicken, so to speak, and the evaluation? Because if you have governmental agencies undertaking that risk assessment with the prospect of that lab being upgraded to a Biosafety Level 4, people may be suspect of, you know, the lack of independence in doing that. Are you reluctant to support an independent consultant evaluation?

COMMISSIONER BRADLEY:

I think more importantly is that we can't do it ourselves.

LEG. CARACCILO:

Right, right, I think that's obvious.

COMMISSIONER BRADLEY:

So we would have to look to somebody else to do it.

LEG. CARACCILO:

Okay.

COMMISSIONER BRADLEY:

And they may not want USDA to do it because clearly USDA has a stake in this --

LEG. CARACCILO:

That's correct.

COMMISSIONER BRADLEY:

-- so they would like someone independent to come into it. So I have no problem with that.

LEG. CARACCILO:

Great.

COMMISSIONER BRADLEY:

And I would need that to be able to do it, as I said.

LEG. CARACCILO:

Good, okay. Thank you.

LEG. FOLEY:

Motion on the floor.

CHAIRPERSON FIELDS:

Okay. All in favor?

LEG. FOLEY:

Of tabling.

CHAIRPERSON FIELDS:

Of tabling, right. Opposed? Okay, approved.

LEG. FOLEY:

Tabled.

CHAIRPERSON FIELDS:

Tabled (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 1263-00 - Adopting Local Law No. 2000, a Charter Law to establish "Last Resort" Vector Control Policy for Suffolk County (Fields). I'll make the motion.

LEG. FOLEY:

To approve?

CHAIRPERSON FIELDS:

To approve.

LEG. FOLEY:

I will second the motion.

CHAIRPERSON FIELDS:

All in favor?

LEG. CRECCA:

Actually, I would like to hear from Commissioner Bradley on it. I know we heard -- at the last Legislative Meeting I know there was some discussion on it and there were some reservations that I believe Dominick had on it as well as representatives from the Department of Public Works; I think that was the case. I just would like to know what the Health Department's position is on this bill.

COMMISSIONER BRADLEY:

In terms of the last resort, the Health Department only entertains pesticide spraying when there is virus in a community and it's considered a last resort because the risk of transmission. The only question that we had was a sentence in this about the approval of funding, that the funding be approved. Now, if that means when there is a decision on the Health Department to order spraying that we need approval by the Legislature, that could be problematic because if we have a problem on such and such a day, no matter what it is, if we need to take action, if we have to wait for the full body of the Legislature to come together, that would two, three -- could be three weeks down the road and then the problem is gone at that point, or there has been transmission. I am not clear as to the intent of the legislation in terms of that.

CHAIRPERSON FIELDS:

Paul?

LEG. CRECCA:

Well, actually -- and I'm going to ask Paul to comment on it, too, just one quick note on that. That was what was brought up at the last meeting, that was one of the reservations I had about it. I certainly didn't want to be in the situation where we were intervening when X person needed to make a quick decision, which is my understanding of some of the situation that happened last year and certain could arise again. So I would ask -- again, Ginny, I appreciate you asking Paul to comment on that and specifically to point out the section that we're talking about.

CHAIRPERSON FIELDS:

Can I just ask Paul, what would be the mechanism, would we actually have to have a Legislative Meeting or could it -- what would be the mechanism of getting approval by the other Legislators for that?

MR. SABATINO:

All that that paragraph is intended to accomplish is to make certain that there's a line item in the budget for spraying which has funding. If there's no line item in the budget, at some point, you can do it generically at the beginning of the year, you can do it in the middle of the year, you can do it on a quarterly basis, but as long as there's funding in the budget someplace, somewhere, designated for spraying, then the provision has been complied with. The cosponsor's motivation in that was the sense that a lot of money was put into the year 2000 budget for things other than spraying and he wanted to be certain that the money wouldn't be diverted from a nonspraying category to a spraying category. So the only time in which this concern that was raised by the Commissioner would come up is if the monies that are in the budget allocated for spraying were to be exhausted in the early part of the year and if they weren't replenished or supplemented in the middle of the year to pick up the next sequence of events, and you could run into that situation. But as long as there's money in the budget part someplace, somewhere on a line item basis for the spraying, you're in compliance.

LEG. CRECCA:

Paul, are we talking about Paragraph B, Subdivision I, under Section A4, the last sentence of the underlined portion? If you could, I would appreciate it if you can just point out where it is that we're talking about, the problem that's in question, or even the Commissioner.

MR. SABATINO:

Let me just -- what I did was from memory, but we'll just pull out the section.

LEG. CRECCA:

Thank you.

LEG. FOLEY:

Madam Chair, while Counsel is looking up that section, let me ask Budget Review Office, is there an appropriated line item for these --

MS. BRANDEAU:

For the spraying?

LEG. FOLEY:

For the spraying.

MS. BRANDEAU:

There is, I don't know what it is; I can go get it for you.

LEG. FOLEY:

Could you, please?

MR. SABATINO:

It's paragraph B1, the language is, "The County shall not expend funds for such spraying or pesticide application unless the expenditures have explicitly been approved for such specific purpose of spraying or pesticide application."

LEG. CRECCA:

Commissioner, is that the sentence that you're also worried about?

COMMISSIONER BRADLEY:

Yes.

LEG. CRECCA:

Because that was the one I had underlined also.

COMMISSIONER BRADLEY:

Right.

LEG. CRECCA:

I would ask -- again, I don't think it effects the purpose of the sponsor's intent if you would consider eliminating or amending it to remove that line. Again, the reason I would point that out is we still have to approve every year the department's plan as far as vector control and my fear is that for some reason we haven't passed a budget where it is specifically lined in there, we may put the Commissioner in a position where in an emergency situation she does not have authorization to spray. I don't think this really would effect the intent of the statute, and maybe I'm wrong, I don't know.

CHAIRPERSON FIELDS:

Paul, would it?

LEG. CRECCA:

To eliminate it, in other words.

MR. SABATINO:

Well, I want to be fair to everybody. The Commissioner is correct in raising the concern that it could become an issue at a point in time. It's not an issue -- it's not an issue in general, it's an issue if the monies are exhausted from the line item. As far as the cosponsor is concerned, yeah, it would contravene exactly what the cosponsor wanted. I mean, Legislator Bishop was explicit and direct that he didn't want to have the ability to divert funds, so if you take out that clause it contravenes what his intent is; that could be good, bad or indifferent but that's what his intent was. So you can't take the language out and accomplishes intent simultaneously, they're mutually exclusive ideas.

LEG. FOLEY:

Madam Chair?

CHAIRPERSON FIELDS:

My original question, though, was if the money were gone and we needed to have a Legislative Meeting to approve the money to be in there, what would be the mechanism of putting together a group in a quick fashion to make that decision?

MR. SABATINO:

You need 48-hours written notice unless 18 Legislators unanimously consent to waive the 48-hour notice. So that reinforces the notion that if, in fact, the monies are drawn down at some point, if you exhaust all the monies by spraying, for example, in April, May or June and for some reason there's no supplemental appropriation made in July or August and then the next level of difficulty arises in October, then the Commissioner is correct, I mean, you'd be in a difficult situation because you need the 48-hour notice to have the special meeting and that could be difficult to address. But by the same token, it's unfair to say that the provision in and of itself precludes spraying, you know, in the course of a calendar year because as long as there's funding at the beginning of the year, I mean, you may not fund enough, the projections may not be accurate, but it would be unfair to say that that clause precludes spraying. It depends on circumstances and events, it would have to be closely monitored as the year progresses.

LEG. FOLEY:

Right.

MR. SABATINO:

You know, whether that's good or bad or indifferent again is up to Legislators to determine, but it was clearly -- I mean, it wasn't a mistake, it wasn't an inadvertence, it was the intent, it was the desire and the goal and the objective.

CHAIRPERSON FIELDS:

And I think the suggestion you said that it would have to be closely monitored, that's the whole intent of this to begin with is that we are closely monitoring it. And the other thought I had is if we were to use up all the money in April, May and June, the whole point of the bill was to spray as a last resort, not to just use up all the money for spraying. And we don't do that as a rule in Suffolk County, so I can't see that being a problem to begin with.

LEG. FOLEY:

Right. If I may follow up on that point. I have asked Kim to find out what the appropriation is. You know, if there's a substantial amount of money within that line item, then this may be a moot point. So we need to first find, the first basic point is how much money is in that particular line item, is it the amount that was used all of last year, is it half of the amount that was used last year, or is it twice the amount? If it's basically the same amount of money then this may be a moot point.

Secondly, and I think the Chair is right on target when you state the fact that this will cause the department to carefully scrutinize that particular area of the budget to make sure that everything is in place to ensure the money is available. And if half way through the year the money isn't there or you anticipate that because of the amount of money isn't enough, then I would anticipate that there would be an Operating Budget Amendment moved forward by the Executive's Office which can be done at any meeting to appropriate the amount of money anticipated for future uses within the given mosquito season.

MR. SABATINO:

I think I should --

COMMISSIONER BRADLEY:

You understand it's not my budget, it's Public Works.

LEG. FOLEY:

Yeah, it's Public Works, that's correct. And I will be bringing this up later in Public Works.

MR. SABATINO:

I think maybe I should add a point, too -- I mentioned it at the last meeting but I didn't mention it today -- which is that the law is prospective in nature so it would kick in January 1st of 2001, the theory being to get some kind of a base line with

this year to figure out how much you have to fund for next year. So it wouldn't have a direct immediate impact.

LEG. FOLEY:

You should have told us that at the beginning of this debate, you would have saved us all this discussion. But Madam Chair --

CHAIRPERSON FIELDS:

Well, I think we need to discuss this.

LEG. FOLEY:

If I may, Madam Chair, through the Chair. Kim, how much money is appropriated for this?

MS. BRANDEAU:

Okay. In the Department of Public Works, the total appropriation for 2000 for Vector Control is \$2.3 million.

LEG. FOLEY:

Correct.

MS. BRANDEAU:

As far as spraying goes, there is two line items, one is for insecticides, that's 285,000 is the Adopted Budget.

LEG. FOLEY:

Okay.

MS. BRANDEAU:

And there is another line item for helicopter spraying and that is \$152,000 for 2000.

LEG. FOLEY:

Do we know whether that's the amount that was in the County Executive's Proposed Budget when he proposed it to us, or that was the amount --

MS. BRANDEAU:

Yes.

LEG. FOLEY:

Was that the amount that the department had proposed to the County Executive's Budget Office?

MS. BRANDEAU:

Yes.

LEG. FOLEY:

In other words, we're using the department's numbers here?

MS. BRANDEAU:

Yes. The department had actually requested 290,000 for insecticides and they got 285.

LEG. FOLEY:

Okay.

MS. BRANDEAU:

And they asked for 170 in helicopter spraying, they got 152.

LEG. FOLEY:

Okay.

MS. BRANDEAU:

The money that was added in the Omnibus Resolution, there was no money for spraying, that was specific.

LEG. FOLEY:

No money in Omnibus.

MS. BRANDEAU:

No money in Omnibus for spraying. The money that was added was for additional crews for Vector Control and additional -

LEG. FOLEY:

But what do we have -- what is in the 2000 budget for spraying or for insecticide?

MS. BRANDEAU:

That's what I'm saying, there's 285 plus 152.

LEG. FOLEY:

Okay, so the money is there.

MS. BRANDEAU:

Yes.

LEG. FOLEY:

Okay. So it's very close to what was proposed by the department, to the Exec and what the Exec proposed to us.

MS. BRANDEAU:

Yes.

LEG. FOLEY:

Okay. Thank you.

LEG. CARACCILOLO:

Kim, what was expended last year in those two categories?

MS. BRANDEAU:

Okay. The 1999 estimated expenditures for insecticides was \$275,000, that's the -- I don't have the actuals here, I just have -- the '99 estimate was 275 for insecticides and they're looking to spend 285 this year, and the '99 estimated for helicopter spraying was 140 and they're looking to spend 152 this year.

LEG. CARACCILOLO:

Okay, a couple of questions. The cost related to helicopter spraying, that is for the rental of helicopters, pilots, as well as spray and materials.

MS. BRANDEAU:

That I am not sure of, I'm not the analyst for DPW. Do you know?

LEG. CARACCILOLO:

Okay, all right.

MS. BRANDEAU:

Sorry.

LEG. FOLEY:

We'll ask them this afternoon.

LEG. CARACCILOLO:

Okay. I think from my perspective, I would probably weigh in where Legislator Crecca is coming from on this issue, and that is I would not -- and I don't believe it would be the Legislature's intent to interfere with the operation of dealing with a pest problem that may reach an epidemic proportion and not have in place the funding mechanism to deal with that. And while I think it's admirable that the sponsor and cosponsor would like some type of check and balance to make sure that there isn't indiscriminate use or excessive use of pesticide product, I think we have to allow and trust the health professionals in this County to use their discretion and their expertise and good judgment to apply what's needed and when it's needed. And I want to make certain, and the question now goes to Counsel, that nothing contained herein would interfere with their ability to carry out their responsibility and protect the health and safety of County residents. There is nothing in this resolution that would interfere --

MR. SABATINO:

I can't make that absolute statement because I explained before, it depends on circumstances. If the --

LEG. FOLEY:

Well, actually this year, it doesn't even apply to this year.

MR. SABATINO:

What budget review just brought to your attention must makes the point, which is this was a Legislative determination. When additional funding was put into the budget to deal with the West Nile Virus, I think it was \$300,000 or \$500,000 that was added. But what Legislators said when they were putting the Omnibus together -- and again, whether it's good, bad or indifferent is for you to determine -- but the decision was not to add that money to the line items for spraying, the two line items that Budget Review just indicated. So you intentionally didn't add to those two line items but you added substantial resources for Vector Control. Okay.

Knowing all of that, it now comes down to circumstances again in the year 2000. As I said before, if circumstances drive the spraying early in the year to such a level that you exhaust that line item and you've got this kind of legislation in place, then you are subject to have 48-hour notice, getting 18 people to waive it, you could have a problem at that point.

LEG. CARACCILOLO:

Okay. But really --

MR. SABATINO:

So you can't make the absolute statement there won't be some impact.

LEG. CARACCILOLO:

Okay. But really this resolution, as you already acknowledge, doesn't -- it really does not impact year 2000 Vector Control operations, it really would be perspective and begin with next year. Let's talk about this year. If we had a major outbreak or an epidemic and you needed resources above these funding levels, how would you, in the course of addressing that immediate need, go about addressing that need; would you come back to the Legislature for approval or appropriation approval or would you just go ahead and purchase the product and have it sprayed?

COMMISSIONER BRADLEY:

I am speaking for Public Works. Probably what they would do is look for another pot of money in their budget --

LEG. CARACCILOLO:

Offset.

COMMISSIONER BRADLEY:

-- and transfer, transfer the funds so that they could do it. That's probably what they would do, that's what I would do if it were for another issue in the Health Department.

LEG. CARACCILOLO:

Yeah, but ultimately it's your call as the Commissioner of Health.

COMMISSIONER BRADLEY:

Right.

LEG. CARACCILOLO:

If you say to the Commissioner of Public Works --

COMMISSIONER BRADLEY:

Right.

LEG. CARACCILOLO:

-- that you need to spray, okay, you need aerial spraying and so forth, then he has to put in place the means to carry out what you need and when you need it. And I want to be certain, and I think Legislator Crecca is of the same mind, that we don't impede any effort on your part to address the public's health and safety needs because we're putting in place a system that may delay the delivery of the very thing the public needs when they need it.

CHAIRPERSON FIELDS:

Legislator Crecca.

LEG. CRECCA:

Thank you. Again, I support the bill, I think this line does limit -- whether it takes effect this year or next year, we're making a law here and if we're not going to have the problem this year we're going to have it next year, or this potential problem I should say. Once again, I think that I would -- if this line was eliminated I could clearly and unequivocally support the bill, you know; so I want to pass the Fields portion but not the Bishop portion, but unfortunately we can't work it that way. But I do not want to be in a situation, I mean -- and Commissioner, correct me if I am wrong because, again, you're the expert here. While it's probably rare, there could be a situation where we have a Malaria outbreak or something of grave magnitude which will provide exigent circumstances where the department may have to act swiftly and in large proportion over the entire County or something where clearly a budget appropriation that we have made may not cover that. And while that is probably a rare circumstance and probably will never happen, I don't want to put us in a situation where we run that potential risk.

I think that the legislation makes it clear that they should only use spraying as a last resort. I think the department has indicated that they care -- they intend to carefully scrutinize, they already do and, if anything, we've certainly raised their awareness that if they spray unnecessarily they're going to get beat up pretty badly. So I think that while I'm sure Legislator Bishop's intent was good, I do not think that we should move forward on this with that sentence in there. And I would say as a committee, we certainly have the authority to amend it or at least go back to Bishop before we go and pass this.

LEG. CARACCILOLO:

I will make a motion to table.

CHAIRPERSON FIELDS:

Okay. And I would second the motion until we can compromise on this somehow. All in favor? Opposed? **Approved to table (Vote: 4-0-0-1 Not Present: Legislator Caracappa).**

LEG. CRECCA:

And I would ask, Madam Chairman, if you can talk to the cosponsor and try to resolve maybe that issue. Thank you.

CHAIRPERSON FIELDS:

Thank you.

Introductory Resolutions**1352-00 - Amending the 2000 Operating Budget by transferring funds between various departments permanent salary accounts and creating five positions in the Department of Probation (County Executive).**

I have a question for Dr. Bradley. I believe when we discussed this the last time they were thinking about taking the money out of Health, and I think that's something that I'd like you to respond to.

COMMISSIONER BRADLEY:

Okay. If it were January 1st I would be saying we need the money to be able to hire the staff to run the programs. What has happened over the last four months is that we have had extreme difficulty hiring staff. We have about a hundred vacancies, we have difficulty hiring people off lists if there is no established list and on lists. We're having problems in the Skilled Nursing Facility, we're having problems with clerical, we're having problems with Biologists in Vector Control, we can't find a person who's willing to come for the salary that we have or that's even interested in leaving their current position. So we now have money that we could give to other departments just because we haven't been able to hire staff, we've had vacancies and we can't find people; it's critical in the nursing home, it's critical in other areas.

So I think at this point, it's not January 1st going into the year with the aspirations that I had going forward, but at this point we have some extra money that could be given to other departments.

CHAIRPERSON FIELDS:

Legislator Foley.

LEG. FOLEY:

Just on that point, seeing that there are monies available now for other departments because we haven't been able to hire yet. I know, Commissioner, that one of the things you're looking at in order to try more successfully recruit and hire personnel, particularly in the Skilled Nursing Facility, is to increase the salaries.

COMMISSIONER BRADLEY:

Right.

LEG. FOLEY:

So if we increased -- if you do a budget model of increasing the salaries for those positions that you're having difficulty in hiring presently, that would by necessity increase the amount of money that you would need to -- within your budget. That being the case, monies that now seem to be available for these other departments may not necessarily be available because you need to increase the salaries for the positions you're having difficulties with.

So what I'd like -- as one -- even though we're not prime, as one Legislator, I'm going to ask to table this resolution to ask the department to come back at the next meeting to come up with the salaries that they see that are needed to have a competitive range of salaries for the positions out at the Skilled Nursing Facility, the Vector Control, even though it's in the Department of Public Works for the Biologists, and the others. Then once we have those numbers, then we can make some determinations here because I can vividly recall -- and to the Chair's credit, even though she wasn't -- she was the Legislator-Elect, but she was at the meetings out in Riverhead where we had scores of advocates particularly from the health centers from all throughout the County who came down on us en masse in Riverhead to say how they needed actually \$2 million or even a larger amount of money, then Chair of the Health Committee Binder gave a very impassioned and informed defense, if you will, of the need for those monies. Now we're being told, not by the Commissioner, but now we're being told by others within the Executive Branch four months later in the new year that these monies can be used for other departments.

So, you know, I'm more than a little bit leery of giving these monies to other departments. There may be a need; in fact, I'm

sure there's a need for other departments. But the obvious question becomes is there not another budgetary strategy that can be employed to find monies for those other different departments, and I think that's one of the threshold questions. And the second question, as I say, is if we need to increase the salaries for these positions, and as the Chair well knows and we need to really look into this in depth at another committee meeting, there is a whole issue of mandation problems at the Skilled Nursing Facility which I know the Commissioner is endeavoring to do something about. But if we need to increase the salaries for these other positions, that may eat up most of the -- may or may not, but we don't know that at this moment.

CHAIRPERSON FIELDS:

I'm glad that you brought that up, but I just want to comment on that. Dr. Bradley has recently been at a meeting with me talking to some mental health people and this problem is occurring throughout the whole County, that we can't people in jobs, we can't entice people to take the jobs because of the salary problems. And as I said before, I've been in the medical field and I know that it's a difficult field to be in, you have to have a certain type of person who even gets involved in that field. And to try to keep those people is going to be even more and more difficult with the economy being what it is and employment rate or unemployment rate.

I would definitely second your motion to table this to discuss it further. I know that Legislator Crecca has something to say, but I wanted to say that I think that's very, very important and I'm glad that you suggested it. I would not like to see money taken away from Health to put in any other department. As much as they need it in other departments, I think Health comes first and I think that it's very, very important in all of the aspects of the different department, you know, departments within the Health Department.

LEG. FOLEY:

Divisions.

CHAIRPERSON FIELDS:

Legislator Crecca.

LEG. CRECCA:

Thank you. First of all, let me just start off by saying I agree with Legislator Foley to an certain extent in the sense that maybe we need to use this money or other money, wherever the money comes from, to increase some of those salary amounts so you can attract workers there. However, I think that for now we're already into -- we're approaching May, we're already almost half a year through.

What I can tell my fellow Legislators here is that the need to hire these positions is over due, in Probation I'm talking about now, and immediate. This problem, and I know Legislator Caracciolo is aware of it because we've had these discussions both with Vinny Iaria, and actually I've had discussions with DA Catterson, Commissioner Gallagher, Family Court Judge, the Administrative Judge of Family Court, Dave Freuhdlich. We have a very, very serious problem in the Department of Probation now in the transport and detention of our juvenile delinquents and PINS persons, these are kids who are jammed up, for lack of a better word, in the Family Court with problems. And we are, as I think all Legislators are aware, should bring these' kids as far as Buffalo and Syracuse, we're holding them in what I consider inadequate facilities here.

This is a problem that needs immediately -- immediate addressing. So I'm going to urge my fellow Legislators today to pass this. That does not preclude us from turning around and doing a budget increase and pulling it from somewhere else for the Commissioner to allow salary increases. But the reality is that by the time the County Executive gets around to proposing what the salary increases should be, we have hearings on it, we're talking I would say at least months down the road before we would get to that place. So for now, let's take it from here, let's fix this problem that we know we have in front of us and let's address this problem the next few Legislative meetings, committee meetings.

CHAIRPERSON FIELDS:

Okay. I know -- I understand what you're saying about Probation and I know that there are some problems. But I think, after having some meetings with Dr. Bradley in the Health Department, we're talking about people who are ill, mentally ill, who are not going being able to have help, we're talking about all kinds of -- and maybe

Dr. Bradley can make a statement about that. There are other segments of the population who are not getting any help at all where you're talking about -- there is an availability to transport some kids and there are some problems, but here we're talking about people who are not able to have help.

COMMISSIONER BRADLEY:

Yeah, that's true, but I think that's separate from the funds that are allocated for hiring, that's really more a contract agency issue, we're talking about salary lines.

LEG. FOLEY:

You can transfer monies (inaudible).

CHAIRPERSON FIELDS:

We're talking about transferring those funds. And I would not want to see that money lost and then us trying to go back to Probation or anywhere else to try to get some funds, and then we have lost it when we're talking about people's health.

COMMISSIONER BRADLEY:

We're working on the resolution right now with the financial impact with raising the base salary of the Skilled Nursing Facility people. Because it's not only going to impact those people we want to recruit, but it's also going to impact people that are there that may be at a lower step and we can't treat the new people -- so we should have that very shortly.

LEG. FOLEY:

Good.

CHAIRPERSON FIELDS:

I think the -- what did we have, a motion to table, and I think I seconded the motion to table.

LEG. FOLEY:

Just on the motion, if I may, Madam Chair. And maybe the Finance Committee this can be looked into.

LEG. CARACCILOLO:

I was trying to say something.

LEG. FOLEY:

Okay. Well, Mike, you monopolized the time earlier, now it's my turn, okay. Maybe there's another way of -- maybe the question to ask at the committee meeting with Budget Review or from the Budget Office, maybe there's another way, maybe there's another -- I'm sure there must be another area of the County budget where they can, you know, appropriate the monies for these five positions; there must be, there has to be.

LEG. CARACCILOLO:

That was one of the questions I wanted to raise.

LEG. FOLEY:

There has to be. And not raid the Health Department, as I said. You know, if need be -- I don't know whether this is going to pass out of committee, the Finance Committee -- but if need be, I'll extract the minutes from the Budget Meeting from last Fall where we were told that even the monies that we had appropriated were not going to be enough for the Health Department to take area care of what needed to be done, particularly in the health centers.

CHAIRPERSON FIELDS:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. I think as already has been identified by the Commissioner, by the members of this Legislative committee, there is an acute need in the Department of Probation. The question really becomes, A, can we afford to transfer \$458,000 from your budget at this time without jeopardizing later in the year the need to fill a request from the Commissioner as the

department head for back filling positions or whatever; can you answer that question unequivocally?

COMMISSIONER BRADLEY:

In terms of salaries and employees, ignoring that mental health issue, my gut -- although I haven't done the financial projections for raising the base salary at the skilled nursing facility, even if we do that we could, but I haven't done those yet, they're in the process of being done by my staff. So my gut feeling is yes, although I don't have the specific data to back it up.

LEG. CARACCILOLO:

What would be the --

COMMISSIONER BRADLEY:

That it's even more, we have even probably more in turnover that we've accrued because of our inability to hire staff over the last couple of months.

LEG. CARACCILOLO:

At best --

CHAIRPERSON FIELDS:

Could she have it next month?

COMMISSIONER BRADLEY:

When is the Finance meeting?

LEG. CARACCILOLO:

Tomorrow, I was just going to invite you to that committee meeting or a representative. Ken Weiss will be there.

COMMISSIONER BRADLEY:

Okay.

LEG. CARACCILOLO:

We'll talk about the prospect of an offset from another part of the County Operating Budget, if that's possible. I would like Budget Review, Kim, between today and tomorrow, if you can bring that to Fred's attention, that perhaps he could provide us with that information as well, another offset

MS. BRANDEAU:

Other offsets.

LEG. CARACCILOLO:

If there is somewhere else in the Operating Budget we could attach this funding. And at this point, I would like to support the resolution and then leave that determination up to the Finance Committee.

LEG. CRECCA:

That's what I would agree, too, so we don't -- I just don't want to interrupt, I'll be real quick -- is that if we could support this resolution and put it through with that knowing that that's going to happen in Finance and knowing that this is going to be looked at. What I don't want to see is if we table this today we'll delay it being voted on should we need to at the next meeting. So in that respect, too, I would ask that, Legislator Foley, with the understanding that Legislator Caracciolo put forward, would you be willing to withdraw your motion to table?

LEG. FOLEY:

Just through --

CHAIRPERSON FIELDS:

We would only be holding it up for how long if we tabled it?

LEG. FOLEY:

The next round of committee meetings is the first week in May. Secondly, under the rules of the Legislature, a secondary committee by tabling the resolution does not prevent that resolution from being approved by the primary committee.

LEG. CARACCILOLO:

Right.

LEG. FOLEY:

But as a secondary committee where our responsibility and oversight is directly in the Health Department, I think we need as a committee, the Health Committee, is to make a statement that we feel that there may be another way in which to accomplish this and the way not to do this without first looking at all the facts which we don't have at the moment. I think we would be sending a wrong message to the prime committee by giving the Health Committee's approval for this, in essence raiding another department to fund these five positions. So I would have to respectfully decline Legislator Crecca's request to withdraw the tabling motion.

CHAIRPERSON FIELDS:

It looks like Paul Sabatino has something to say.

MR. SABATINO:

Just for informational purpose, it might help you in your deliberations. Although \$458,000 is being transferred, only 95,000 is necessary for the five Probation positions. So the magnitude of the problem is trying to be addressed at Probation is not the \$458,000.

LEG. CARACCILOLO:

Then what is the basis for a \$458,000 transfer?

MR. SABATINO:

The other transfers are going to other -- FRES is getting the largest part, they're getting \$150,000.

LEG. FOLEY:

The title of the bill, Madam Chair, is --

MR. SABATINO:

Real Estate is getting 30,000. But my only point is --

LEG. FOLEY:

It's very misleading.

MR. SABATINO:

-- that I know there's a concern about Probation and that's --

LEG. CARACCILOLO:

Well, it's in the RESOLVED clause if you look closely.

MR. SABATINO:

That's a smaller amount than the total.

LEG. CARACCILOLO:

It's in the RESOLVED clause.

LEG. FOLEY:

Well, we don't even -- okay, just to pick up on that point. Is there a financial impact statement on this, has that been distributed?

LEG. CARACCILOLO:

Yes.

LEG. FOLEY:

Because I don't have it appended to the bill.

MS. BRANDEAU:

The County Exec did that.

LEG. CARACCILOLO:

It's the County Executive's.

LEG. FOLEY:

All right.

LEG. CARACCILOLO:

And he's saying that there are sufficient funds included within the 2000 Operating Budget to execute the said transfers. But I think Counsel has just raised something very interesting, a point very interesting.

LEG. CRECCA:

Yeah, I didn't realize that.

LEG. CARACCILOLO:

Yeah, neither did I. So I will support a motion to table today.

LEG. FOLEY:

Okay. Thank you, Mike.

CHAIRPERSON FIELDS:

All in favor? Opposed? Okay, tabled.

LEG. CARACCILOLO:

You got your money, Clare.

CHAIRPERSON FIELDS:

Thank you.

LEG. CRECCA:

You know what? Actually, put me down as abstained on the last vote.

1352 is Tabled (Vote: 3-0-1-1 Abstention: Legislator Crecca - Not Present: Legislator Caracappa).

LEG. CARACCILOLO:

Madam Chair, before we consider this resolution and before we conclude on the last. Paul, could you share with us how you ascertained that only 95,000 of the 458? Because nothing in the back up material that I or the other Legislators had before us --

MR. SABATINO:

It's Schedule 1 which is attached to the resolution, there's a column called Adopted, a column called Modified and a column

that identifies the transfer. I think I'm reading it right, the total transfer from Health is 458,485, but then it's being broke amongst one, two, three, four, five offices. I only focused on Probation because I know that there's a sense of creating positions, a vergency in creating those positions, that's the \$95,000 column.

LEG. CARACCILOLO:

But there's nothing --

MR. SABATINO:

It's called Schedule 1.

LEG. CARACCILOLO:

Okay. Nothing in any back up that you received that identifies --

MR. SABATINO:

No, no, I have no more information than what anybody else does. I'm going from the documents submitted, I'm assuming that they're accurate.

LEG. CARACCILOLO:

Okay. I don't see Chris here from the County Executive's Office; is there anyone else here representing the County Executive?

MS. GODSMAN:

Yes.

LEG. CARACCILOLO:

Okay. Could you please find out for us by tomorrow's Finance Committee meeting where within those other departmental budgets that funding is anticipated to be used?

MS. GODSMAN:

I can tell you that --

LEG. FOLEY:

Just state your name for the record, please.

MS. GODSMAN:

Sure. My name is Bonnie Godsmann from Intergovernmental Relations. I can tell you that representatives from various departments that the funds are going to will be at the Finance meeting tomorrow.

LEG. CARACCILOLO:

Okay. But you yourself would not be able to share with us --

MS. GODSMAN:

No, unfortunately not right now.

LEG. CARACCILOLO:

Okay.

MS. GODSMAN:

I will let them know.

LEG. CRECCA:

Will this bill be before the Finance Committee then, or no?

LEG. FOLEY:

Yeah, Finance is prime.

MS. GODSMAN:

It's prime in Finance.

LEG. CRECCA:

It is, okay. So it will be addressed and you can address this and, Legislator Foley, you'll be there.

LEG. FOLEY:

I'm not a committee member.

LEG. CARACCILOLO:

No, he's not.

LEG. CRECCA:

Oh, you're not. Okay.

LEG. CARACCILOLO:

I'll make sure that it's addressed.

LEG. CRECCA:

Thank you, Legislator Caracciolo.

CHAIRPERSON FIELDS:

Okay, we were on **1357-00 (P) - Adopting Local Law No. 2000, a Local Law to prohibit sale or distribution of herbal cigarettes to minors within Suffolk County (Cooper).**

MR. SABATINO:

That's a public hearing, Madam Chair.

LEG. FOLEY:

Motion to table.

CHAIRPERSON FIELDS:

Motion to table, okay. Second. All in favor? Opposed? **Tabled (Vote: 4-0-0-1 Not Present: Legislator Caracappa).**

Introductory Sense Resolutions

Sense 36-2000 - Memorializing Sense Resolution requesting the State of New York to lift unfunded mandate for Family Health Plus Program (Levy). I believe he withdrew this because I already had a memorial -- is that true, Paul?

LEG. FOLEY:

Steve needs it.

CHAIRPERSON FIELDS:

I already wrote --

MR. SABATINO:

No, there were two versions. Legislator Levy's version was not withdrawn, but there was an earlier version adopted at the last session. It's --

LEG. FOLEY:

Is there a difference of one word?

MR. SABATINO:

It's just a difference in the WHEREAS clause.

LEG. FOLEY:

Motion to approve.

LEG. CARACCILO:

Which came first?

CHAIRPERSON FIELDS:

Mine, it was my resolution.

LEG. CRECCA:

We don't want to look like -- we're sending this to New York State and all, if we've already sent it I don't think we should be sending it again.

LEG. FOLEY:

This is just reemphasizing the point that was made by an earlier resolution; right, Madam Chair?

CHAIRPERSON FIELDS:

Isn't this silly?

LEG. CARACCILO:

You're right, it is.

CHAIRPERSON FIELDS:

I would oppose this.

LEG. CRECCA:

Yeah, I would agree with Legislator Fields.

CHAIRPERSON FIELDS:

You know, if we've already done this, it's kind of silly.

LEG. FOLEY:

It's reemphasizing the point, Ginny.

CHAIRPERSON FIELDS:

Okay. No motion.

LEG. FOLEY:

Motion to approve.

LEG. CARACCILO:

No second.

CHAIRPERSON FIELDS:

No second, okay.

LEG. CRECCA:

Motion to table. Actually, no -- never mind.

CHAIRPERSON FIELDS:

There's no second, so.

MR. SABATINO:

Well actually, I want to be fair, I'm looking at it. The difference between the last version and this version, it's important to be fair, the last version didn't make reference to the Assembly Bill and the Senate Bill because it was just the concept that was being addressed. Legislator Levy, in the intervening period, must have gotten a Senate Bill and Assembly Bill which addresses it.

LEG. FOLEY:

It's a uni-bill? I guess it's a uni-bill. So now -- just to the Chair, now there is a live bill in Albany.

CHAIRPERSON FIELDS:

Right.

LEG. FOLEY:

So this addresses that particular resolution. So I would move -- I would again make a motion to approve.

CHAIRPERSON FIELDS:

Okay, and I would second the motion. All in favor?

LEG. CRECCA:

Opposed.

LEG. CARACCILOLO:

I oppose.

LEG. FOLEY:

Okay.

LEG. CARACCILOLO:

Yeah, two opposed, so it's defeated.

CHAIRPERSON FIELDS:

Okay, thank you.

LEG. CRECCA:

I'm sorry. Did anybody else -- I don't know how the other votes went.

LEG. CARACCILOLO:

2-2.

LEG. FOLEY:

Motion fails (Vote: 2-2-0-1 Opposed: Legislators Caracciolo & Crecca - Not Present: Legislator Caracappa).

CHAIRPERSON FIELDS:

Sense 37-2000 - Memorializing Sense Resolution requesting the State of New York to fund program for outpatient of mental illness (Levy).

LEG. FOLEY:

Motion.

LEG. CARACCILOLO:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? **Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).**

Sense 39-2000 - Memorializing Sense Resolution requesting the State of New York to prohibit sale of herbal cigarettes to minors (Cooper).

LEG. FOLEY:

Paul -- through the Chair. Paul, should we -- we don't have to technically wait for the public hearing, but since we're --

MR. SABATINO:

This is what they call the belt and suspender approach which is ask the State, if they fail, do you still have the option to act at the local level.

LEG. CARACCILO:

Does the Commissioner of Health have any position on the resolution?

COMMISSIONER BRADLEY:

Just that I would be in favor of it so that we can do the same things with tobacco for herbal. I would be in favor of it.

LEG. CARACCILO:

Very good.

LEG. CRECCA:

Motion to approve.

COMMISSIONER BRADLEY:

And actually it might even bring some more funding down from the State because our ATOOPA Program, our enforcement program is funded by the state, so if there's more products that we're going to be enforcing, maybe it will bring some more money.

CHAIRPERSON FIELDS:

Okay, we have a motion, we have a second. All in favor? Opposed? **Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).** Okay.

LEG. FOLEY:

Madam Chair, before we end the committee meeting. Commissioner, will you be ready by the next meeting to discuss at some length the Skilled Nursing Facility and the need for increasing the salaries?

COMMISSIONER BRADLEY:

Sure.

LEG. FOLEY:

And what you will be pursuing to try and address the mandation problem?

COMMISSIONER BRADLEY:

Right. The other major issue is the scheduling, you know, the five and two with the contract, and part of it is salaries.

LEG. FOLEY:

Well, that's beyond our control, we can't just -- that's a contractual --

COMMISSIONER BRADLEY:

Right.

LEG. FOLEY:

That's between your department, the department of -- rather, Labor Relations and the union.

COMMISSIONER BRADLEY:

Right.

LEG. FOLEY:

We can only address the salary range.

COMMISSIONER BRADLEY:

Yeah, I will be.

LEG. FOLEY:

Okay, thank you.

CHAIRPERSON FIELDS:

Meeting adjourned.

(*The meeting was adjourned at 11:31 A.M.*)

Legislator Ginny Fields
Chairperson, Health Committee

- Denotes Spelled Phonetically